IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL.

Writ Petition No. 4060 (S/S) of 2001

Old Number
Writ Petition No. 20028 of 1995

1. Janta Higher Secondary School, Thati Digdhar District – Tehri Garhwal through its Manager Govind Singh Rothan.
2. Ranveer Singh Rawat, Headmaster, Janta Higher Secondary School, Thati Digdhar, District – Tehri Garhwal.

…….Petitioners

V e r s u s

1. The State of U.P.
2. The Basic Education Officer, (BSA), Tehri Garhwal.
3. The District Inspector of Schools, Tehri Garhwal.
4. The Director of Education, U.P., Lucknow.

…….Respondents

Hon'ble M.M. Ghildiyal, J.

Heard Sri S. K. Posti, learned counsel for the petitioners and learned standing counsel for the respondents.

Janta Higher Secondary School, Thati Digdhar, District – Tehri Garhwal and Head Master of the Institution have filed the present writ petition for the following reliefs:

(i) issue a writ, order or direction in the nature of Mandamus directing the respondents to release the salary of the employees of the petitioner institution forthwith.

(ii) Issue any other writ, order or direction which this Hon'ble Court may deem fit and proper in the circumstances of the case.

(iii) Award the costs of the petition.

Learned counsel for the petitioner has submitted that earlier the petitioner institution was imparting education upto junior High School and it was aided. The Salary of the teachers and staff of the Institution was being paid under "The Uttar Pradesh Junior High School (Payment of Salaries of Teachers and other Employees) Act 1978 (U.P. Act No. 6 of 1979)". The employees of the Intuition were getting salary under the aforesaid Act till March 1994.

The Institution was upgraded to High School vide order dated 15.03.1994 and on 25.03.1995, the adjustment of the employees of the petitioner institute in pursuance to the recognition upto High School Level was approved by District Inspector of School, Tehri Garhwal.

Aggrieved with the action of respondents for non payment of salary, petitioners have filed present writ petition before Allahabad High Court and Allahabad High Court on 27.7.2005 directed the respondent no. 1 and 2 not to withhold the payment of salary provided they were approved members of teaching staff of the institution at the time of its upgradation to the level of High School.

Learned counsel for the petitioners has submitted that the teaching staff of the Institution at the time of upgradation was approved by the competent authority.

In the circumstances stated above, writ petition is allowed. Respondents are directed to make payment of salary to the staff of the Institution under the provision of U.P. Act No. 6 of 1979 till the Institution comes under the provision of U.P. Act No. 24 of 1971. No order as to costs.

(M.M. Ghildiyal, J.)

May 18, 2006
SKSharma

------- Petitioner.

Vs.

1. . -----Respondents.

Hon'ble M.M. Ghildiyal, J.

(M.M. Ghildiyal, J.)

May 18, 2006:
SKSharma